



UNITED STATES SURGICAL,  
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**JAN 05 2007**

**OFFICE OF PETITIONS**

In re Application of  
Finch et al.

Application No. 09/739,428

Filed: December 18, 2000

Attorney Docket Number: 2537

Title of Invention: Apparatus For Thermal  
Treatment of an Intervertebral Disc

**ON PETITION**

This is a decision on the renewed petition filed October 16, 2006, under 37 CFR 1.137(b) to revive the above-identified application. This petition is properly treated as a petition under 37 CFR 1.181.

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due and submit corrected drawings, as required by the Notice of Allowability both of which were mailed March 20, 2006. The Notice of Allowance and Fee (s) Due and the Notice of Allowability set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). A supplemental Notice of Allowability was mailed on June 16, 2006. Accordingly, this application became abandoned on June 21, 2006. A Notice of Abandonment was mailed on August 28, 2006. A petition under 37 CFR 1.137(b) was dismissed on September 22, 2006.

A review of the record shows that an examiner interview summary issued on October 16, 2006 states the requirement for corrected drawings made in the Supplemental Notice of Allowability was the result of Office error. Corrected drawings were timely submitted on March 24, 2006.

In light of the examiner interview summary dated October 16, 2006, the holding of abandonment is vacated.

The petition filed under 37 CFR 1.137(b) is dismissed as moot.

This application is being forwarded to the Office of Patent Publication for further processing.

Telephone inquiries should be directed to the undersigned at (571) 272-3215.

A handwritten signature in black ink, appearing to read "Charlema R. Grant". The signature is fluid and cursive, with the first name "Charlema" being more prominent than the last name "Grant".

Charlema R. Grant  
Petitions Attorney  
Office of Petitions